Mail Stop Amendment
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

DANIEL et al. Confirmation No. 8140

Serial No. 09/980,114 Art Unit: 2682

Filed: March 4, 2002 Examiner: PERSINO, R.

For: METHOD FOR OPERATING A CELLULAR TELECOMMUNICATIONS NETWORK, AND METHOD FOR OPERATING A PERSONAL CELLULAR TELECOMMUNICATIONS DEVICE

DECLARATION UNDER RULE 1.132
OF
AMIT GIL, CHIEF TECHNICAL OFFICER

I, Amit Gil, declare and say as follows:

1. I am a citizen of Israel currently residing at Lochamei Hagetaot 10b Yahud, Israel, and I am over the age of 21.

2. I am currently the Chief Technical Officer (CTO) of Celltick Technologies Ltd., of 32 Maskit Street, Herzliya, 46733, Israel, (CELLTICK), the assignee of this patent application, and from 2003 to August, 2005, I was the Vice President of Research & Development.

3. I hold a Bachelor Degree in Mathematics and Physics, which I received in 1990 from Hebrew University, Jerusalem, Israel, during my military service during the years 1987-1995 where I was a member of the prestigious Talpiot project; and I hold a Master of Science, in Operations Research (Honors), focusing on optimization of wireless telecommunication systems, which I received in 1997 from Tel Aviv University, Tel Aviv, Israel.

4. In my current role as CTO, I am responsible for monitoring new technologies and assessing their potential to become new products or services, participating in standardization and other relevant groups, and managing the company's IPR. In my prior position as Vice President

of R & D, I was responsible for all research and development activities, systems engineering, software development, and future technologies, standards and Intellectual Property Rights

5. Prior to joining CELLTICK in 2000, I worked at a wireless systems company in the research and planning division where I was involved in Wireless Local Loop (WLL) systems.

6. I am very familiar with the above identified patent application, having played a major part in assisting in its drafting. I have also studied the references cited by the US Patent Examiner in this case, and I have read his comments about the references.

7. I am also very familiar with the applicable telecommunications standards, and the design criteria and operation of the commercial embodiments of the present invention.

8. The invention presently being prosecuted in this case relates to the use of the display screen of a personal cellular telecommunications device (hereinafter abbreviated to a "cellular phone" for convenience) to silently and unobtrusively display messages and in particular interactive display messages. Interactive display messages include a means by which a user can respond, for example, by depressing one or more pushkeys to obtain more information, download an icon or ringtone, and the like. Activation of interactive display messages by a user of the cellular phone can be charged to the user and as such is a source of revenue for a telecommunications operator. It is critically important that the display messages be appropriately managed or else the user of the cellular phone will not want to be bothered by them and will not use them.

9. More particularly, the present invention involves transmitting Point-To-MultiPoint (PTMP) and/or Point-To-Point (PTP) display messages, including interactive display messages, for receiving on cellular phones. These display messages are received by, stored in, streamed to a cellular phone's display screen, and discarded under the control of a message manager computer program stored in the memory of the cellular phone.

10. A key requirement of the present invention is the efficient display message handling by the cellular phone, including an automatic display message discard mechanism, irrespective of whether display messages have been displayed in order to avoid user intervention and to ensure that the display messages are timely in the sense that a user naturally prefers to read recent display messages rather than old out-of-date display messages. This timeliness of display messages is particularly relevant to cellular phones where the exact location of the cellular phone is usually known by the telecommunications system. Users of cellular phones are often traveling

and since some of the messages are location based, a user obviously wants to see display messages appropriate to his or her present location.

11. In the present invention, displaying of display messages on a display screen is done in a "screen saver-like manner," which to me means an unobtrusive manner. See Daniel et al. published application in ¶ 17. Screen saver-like manner implies a completely silent handling of the display messages preferably including, on the one hand, automatic initiation and, on the other hand, automatic termination. Automatic initiation can occur after a predetermined time period. Automatic termination occurs when there is a cellular phone activity by the user or there is an incoming call. Automatic termination is necessary in the sense that it prevents a user from missing an incoming call notwithstanding that it will interrupt a user's reading of a display message. Nevertheless, a user of the cellular phone would not tolerate unsolicited display messages if he or she could not override them or he or she would miss incoming calls.

12. In the words of the present application, automatic termination occurs "on the invoking of a non-idle activity specific screen having at least some indication of an ongoing activity including inter alia the entire process from the establishment to tear down of a voice call irrespective of whether a subscriber is the originating party or the receiving party, and any other subscriber initiated activity, for example, retrieving an item stored in memory, playing a game, writing a memo, and the like". Daniel et al. published application ¶ 6.

13. Screen saver-like manner also includes not alerting a user on the receipt of a display message as opposed to receiving a SMS (Short Message Service) message in which the user may be alerted. Not alerting a user is the direct result of mostly silent behavior and also includes no vibratory alerts.

14. The functionality of a Cell Broadcast Service (CBS) service in GSM network is defined in a technical specification named "Technical Realization of Cell Broadcast Service" (CBS) ETSI TS 100 902 V7.2.0 (1999-12) (GSM 03.41) version 7.2.0 Release 1998) (hereinafter referred to as the "CBS Regulations"). The technical specifications sets out features and parameters that are available in a Cell Broadcast Service (CBS), and specifically states that "CBS was devised to be analogous to the Teletex service offered on television" and was not intended to be an interactive service.

15. The CBS Regulations, in Section 8, which is entitled "MS Functionality" specifically states,: "The precise method of display of cell broadcast short messages is outside the scope of GSM Specifications".

16. At the Interview with the Examiner, a slide show was presented. A printed copy of this slide show is attached as Attachment 1. This slide show showed the following:

a. The operator environment was depicted in which an embodiment of the present system, commercially called the Celltick LiveScreen system, allows network operators to create and aggregate content, including interactive content, manage its transmission through the network, and control the end-subscriber user experience and reactions to that content. The interactive content is aggregated in the system either using a dedicated client called MediaManager, or alternatively, automatically, using a dedicated process called Celltick Plug. Shortly before the transmission starts, the relevant messages are collected from the database, converted to the required air protocol (including not only the information to be displayed on the screen, but also menu options and their activity once selected), and transmitted over a PTMP or PTP channel to the users. The PTMP transmission is done using the standard Cell Broadcast Service (CBS).

b. Messages received at the handset are handled by a stored computer program, such as a STK client or a Symbian client (in Celltick implementation commercially called Companion). The Companion client concatenates or assemblies the parts of a message in case they were delivered in parts, displays the messages in a non intrusive manner on the handset display screen, and handles the user's reactions in case a user selects the message, and automatically deletes the messages. When a user selects one of the response options displayed on the display screen with the message part of the interactive message, the Companion client will automatically initiate a point-to-point session with the required entity (for example with a voice call, a WAP session, or a request for more information).

c. The present invention utilizes standard wireless components, such as STK or CBS, which were known to those skilled in telecommunications at the time the priority action was filed. However, these components were used in non common way supported by the technical regulations . Specifically, the CBS was used to set up a channel, or conceptually a pipeline, through which SMS/CB messages could be sent. But the use of this channel for interactive messages for cellular phones was not normal. Thus, in the present invention the CBS is not used as a service by itself but rather it is used primarily as a pipe to deliver the information in the application level between the LiveScreen server and the Companion client end user application.

d. A large part of the acceptance of the commercial embodiments of the present invention is the result of the unobtrusive nature of the display messages and the automatic discarding of display messages.

16. Cellular phones are provided with a memory stack with a predetermined storage capacity and capability. At the time of the priority date of the present application, the then available models of cellular phones were provided with very little user available memory. Models of cellular phones used after the effective filing date of the present application are typically provided with a much greater capacity. Memory management of the cellular phone memory is usually such that no new messages can be added to a full memory stack

17. In my opinion, one skilled in the art to which the present invention pertains, or with which it is most nearly connected would be a telecommunications engineer with a college degree in telecommunications and practical experience of about two years.

18. Each of the cited references discloses a piece of the presently claimed features, but none of the references discloses a sufficient amount of the presently claimed features so as to render the overall system a commercially successful system. Furthermore, none of the references discloses a desirability or capability to include the features of any of the other reference and according to the understanding of one of ordinary skill in the art none of the reference teach a combination with the others, nor would such combination be obvious.

19. As one skilled in the present art, after having read and studied the Lietsalmi et al. PCT publication WO98/10604 by Nokia I understand it to disclose an interactive cell broadcast service for displaying unsolicited interactive display messages either immediately or when requested by a user somewhat similar to the system described in the present application. In the former, immediately displaying SMS/CB messages on a display screen annoyingly interrupts the operation of the device from the point of view of a user. And in the latter, storing SMS/CB messages requires considerable memory resources, and requires a user to retrieve each SMS/CB message individually and to delete them individually is a time consuming and obtrusive . Both approaches as disclosed in the Nokia reference severely limit the proposed interactive cell broadcast service in terms of the rate at which SMS/CB messages can be transmitted.

20. As one skilled in the present art, after having read and studied the Taubenheim et al. US patent 6,060,997, I understand it to disclose a bi-directional pager termed a selective call device for receiving two types of data as follows: "selective call messages" stored in memory 226 and information services. The streaming of information services is manually initiated and manually terminated and overrides the displaying of selective call messages.

21. As one skilled in the present art, after having read and studied the De Boor et al. US patent 6,173,316, I understand it to disclose a markup language based man-machine interface (MMI) for use in a wireless communication device 114. It does briefly disclose displaying advertisements on the screen of a cellular phone during idle time but there is such insufficient detail that I can not clearly understand the user experience as envisaged by the De Boor application. As one skilled in the art, I can state that there is no standard meaning of the term "idle time" and from the context as used in the De Boor et al patent, I could not determine a meaning of it. For example, a user can display a "To do list" and according to my understanding of De Boor it would be most annoyingly interrupted to stream adverts. Moreover, there is insufficient detail in the De Boor et al. reference regarding the notion of responding to a display message that I can categorically state that it does not necessarily imply an interactive display

message as implemented in the present invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: 11/7/05 Signed: _____

Amit Gil